

05-595 WHORTON, DIR. NV DOC V. BOCKTING

QUESTIONS PRESENTED

- I. WHETHER, IN DIRECT CONFLICT WITH THE PUBLISHED OPINIONS OF THE SECOND, SIXTH, SEVENTH, AND TENTH CIRCUITS, THE NINTH CIRCUIT ERRED IN HOLDING THAT THIS COURT'S DECISION IN *CRAWFORD V. WASHINGTON*, 541 U.S. 36 (2004) REGARDING THE ADMISSIBILITY OF TESTIMONIAL HEARSAY EVIDENCE UNDER THE SIXTH AMENDMENT, APPLIES RETROACTIVELY TO CASES ON COLLATERAL REVIEW.
- II. WHETHER THE NINTH CIRCUIT'S RULING THAT *CRAWFORD* APPLIES RETROACTIVELY TO CASES ON COLLATERAL REVIEW VIOLATES THIS COURT'S RULING IN *TEAGUE V. LANE*, 489 U.S. 288 (1989).
- III. WHETHER, IN DIRECT CONFLICT WITH THE PUBLISHED DECISIONS OF THE FOURTH AND SEVENTH CIRCUITS, THE NINTH CIRCUIT ERRED IN HOLDING THAT 28 U.S.C. § 2254 (d) (1) AND (2) ADOPTED THE *TEAGUE* EXCEPTIONS FOR PRIVATE CONDUCT WHICH IS BEYOND CRIMINAL PROSCRIPTION AND WATERSHED RULES.

Cert. Granted 5/15/06